

EXPRESS MAIL NO.: EV 851708988 US
DATE DEPOSITED: February 19, 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis McGill, et al.

Serial No.: 10/650,372

Filed: 08/28/2003

For: APPARATUS FOR LIFTING AND
MOVING A WORKLOAD

) Dkt. No.: 4945.007
)
) Art Unit: 3652
)
) Examiner: Michael S. Lowe
)
)

Mail Stop - Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Sir:

Dennis E. McGill and Billy J. Lucas, individuals, own one hundred percent (100%) of the right, title and interest in and to **U.S. Patent No. 6,406,248**, issued on June 18, 2002.

Dennis E. McGill and Billy J. Lucas, individuals, own one hundred percent (100%) of the right, title and interest in and to the above-identified patent application, **Attorney Docket No. 4945.007, U.S. Serial No. 10/650,372** filed April 24, 2002.

The documents relating to **U.S. Patent No. 6,406,248**, and to the above-identified application **Attorney Docket No. 4945.007**, have been reviewed and certified by Petitioners and, to the best of Petitioners' knowledge and belief, title is in the Petitioners seeking to take this action.

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Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 U. S. C. § § 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of **U.S. Patent No. 6,406,248.**

Petitioners further agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said **U.S. Patent No. 6,406,248.**


This agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioners do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term defined in 35 U. S. C. § § 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of said **U.S. Patent No. 6,406,248,** in the event that said **U.S. Patent No. 6,406,248** later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §§ 154-156 and 173 prior to the expiration of the full statutory term(s)

as presently shortened by any terminal disclaimer(s), except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2/19/07
(Date)

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